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10/743,533	12/23/2003	Hirofumi Muratani	04329.3209	7671

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EXAMINER	
MACKOWEY, ANTHONY M	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,533	MURATANI, HIROFUMI	
	Examiner	Art Unit	
	Anthony Mackowey	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see page 13, filed July 17, 2007, with respect to the objection to claims 10, 20 and 22 have been fully considered and are persuasive. The objection to claims 10, 20 and 22 has been withdrawn.

Applicant's arguments, see pages 13 and 14 , filed July 17, 2007, with respect to the rejection of claims 10-18, 20 and 22 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejection of claims 10-18, 20 and 22 under 35 U.S.C. 112, second paragraph has been withdrawn.

Applicant's arguments, see page 14, filed July 17, 2007, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.

Applicant's arguments filed July 17, 2007, with respect to rejection of claims 1-22 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

Applicant states "neither Muratani, nor Alattar, taken alone or in combination, teaches or suggests each and every element of Applicant's claims. Applicant asserts "Alattar's embedder does not compute a composite function by composition of a topological function." Applicant has essentially addressed a single reference stating it does not teach this limitation. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Muratani teaches the elements

related to the topological invariant as a digital watermark, topological function and embedding the topological function into target content. Alattar was cited as teaching a composite function that is a composition of randomizing function and watermark information. The combination of the teachings suggested by the Examiner was that the composite function taught by Alattar be utilized in embedding the watermark information(topological invariant/topological function) taught by Muratani, thus the composite function would be the composition of a randomizing function and the topological function. Because Applicant has failed to sufficiently articulate how the combination of the teachings of Muratani and Alattar is improper, how the combination of the teachings fail to disclose or suggest each limitation recited in the claims, and how one or ordinary skill in the art, given the both teachings of Muratani and Alattar, would fail to find the presently claimed invention obvious, the rejection of claims 1-22 under 35 U.S.C. 103(a) is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of US 2002/0071593 A1 to Muratani (cited in IDS) and US 2002/0009208 A1 to Alattar et al. (Alattar). Examiner notes that the publication date of US 2002/0071593 is June 13, 2002 thus qualifying it as prior art under 35 U.S.C. 102(b) regardless of common inventorship.

Regarding claim 1, Muratani discloses a digital watermark embedding apparatus (Fig. 4; page 4, paragraph 76) comprising:

an acquisition unit configured to acquire a topological invariant as digital watermark information and a target content in which the digital watermark information is to be embedded (page 2, paragraphs 31-32; page 4, paragraph 76; page 6, paragraphs 128-129);

a function generation unit configured to generate a topological function corresponding to the topological invariant (pages 8-9, paragraphs 172-174); and

a function-embedding unit configured to embed the topological function in the target content (page 2, paragraph 33; page 6, paragraph 130; page 9, paragraphs 182-184).

Muratani further discloses the acquisition unit acquiring key information corresponding to the digital watermark information and a randomizing-function generation unit configured to generate a randomizing function based on the key information (page 15, paragraph 265; page 16, paragraph 272; Fig. 27) but does not explicitly disclose computing a composite function by composition of the randomizing function and the topological function.

However, Alattar teaches an acquisition unit acquiring key information corresponding to the digital watermark information (page 4, paragraph 59) and a randomizing-function generation unit configured to generate a randomizing function based on the key information (page 9, paragraph 119), and compute a composite function by composition of the randomizing function and the watermark message (pages 9-10, paragraphs 119-122).

The teachings of Muratani and Alattar are combinable because they are both concerned with embedding digital watermarks. It would have been obvious to one of ordinary skill in the art

at the at the time the invention was made to modify the digital watermark embedding apparatus taught by Muratani to include the acquisition unit acquiring key information corresponding to the digital watermark information and a randomizing-function generation unit configured to generate a randomizing function based on the key information, and compute a composite function by composition of the randomizing function and the topological function as taught by Alattar because it is well known in the art of digital watermarking that the use of a key generating a randomization function for composition with the watermark information (carrier signal of the watermark information) increases the security of the watermark information because the technique makes the embedded information robust to attacks and resistive to removal of the watermark from the target content without the appropriate key.

Regarding claim 2, Muratani further discloses the topological function includes a mapping from a base space concerning positions in the target content to a target space concerning embedding amounts, the mapping being based on the topological invariant (pages 8-9, paragraphs 164-174).

Regarding claim 3, Muratani further discloses the target content includes one of still image data and moving picture data (pages 6-7, paragraph 136); the base space is defined by pixel positions corresponding to the target content; and the target space is included in a topological space corresponding to a set of assignments of values to pixels composing the target content (pages 8-9, paragraphs 164-174).

Regarding claim 4, Muratani further discloses the function generation unit generates topological function values which express the topological function (pages 8-9, paragraphs 172-174).

Regarding claim 5, the combination of Muratani and Alattar further discloses the randomizing-function generation unit generates composite function values by applying the randomizing function to the topological function values, the composite function values expressing the composite function (Alattar, pages 9-10, paragraphs 119-122).

Regarding claim 6, Muratani further discloses each of the topological function values and the composite function values indicate embedding amounts corresponding to positions in the target content (pages 9-10, paragraphs 182-185).

Regarding claim 7, Alattar further discloses the randomizing-function generation unit randomizes the topological function values using a block cipher based on the key information to generate the composite function values (page 4, paragraph 59; pages 9-10, paragraphs 119-122).

Regarding claim 8, Muratani further discloses the function-embedding unit embeds the topological invariant by varying the target content based on the composite function values (pages 9-10, paragraphs 182-185).

Regarding claim 9, Muratani further discloses the function generation unit generates the topological function corresponding to the topological invariant which includes a homotopy invariant (pages 9-10, paragraphs 182-185).

Regarding claim 10, Muratani discloses a digital watermark detection apparatus (Fig. 4; page 4, paragraph 78) comprising:

an acquisition unit configured to acquire key information corresponding to digital watermark information (page 15, paragraph 269; page 16, paragraph 272; Fig. 28) and a target content in which the digital watermark information is embedded (page 3, paragraphs 34; page 4, paragraph 78; page 6, paragraphs 132-133);

a function detection unit configured to detect a function embedded in the target content (pages 10-11, paragraphs 194-196;

a topological invariant computation unit configured to compute a topological invariant based on the function, and the topological invariant serving as digital watermark information page 3, paragraph 35; page 6, paragraph 134-135; page 10, paragraphs 197-198).

Muratani does not explicitly disclose an ordering-function generation unit configured to generate an ordering function based on the key information, and compute a composite function by composition of the ordering function and the embedded function.

However, Alattar teaches an acquisition unit configured to acquire key information corresponding to the digital watermark information and an ordering-function unit configured to generate an ordering function based on the key information, and compute a composite function

by composition of the ordering function and the embedded function (page 4, paragraph 59; page 18, paragraph 217).

The teachings of Muratani and Alattar are combinable because they are both concerned with detecting digital watermarks. It would have been obvious to one of ordinary skill in the art at the at the time the invention was made to modify the digital watermark detecting apparatus taught by Muratani to include the acquisition unit acquiring key information corresponding to the digital watermark information and an ordering-function generation unit configured to generate an ordering function based on the key information, and compute a composite function by composition of the ordering function and the embedded-function as taught by Alattar because it is well known in the art of digital watermarking that the use of a key generating a randomization function for composition with the watermark information (carrier signal of the watermark information) increases the security of the watermark information because the technique makes the embedded information robust to attacks and resistive to removal of the watermark from the target content without the appropriate key. Thus, upon detection the key is required to generate the ordering function to reorder the composite function (composition of watermark information and randomization function) in order to retrieve the original watermark information.

Regarding claim 11, Muratani further discloses the composite function includes a mapping from a base space concerning positions in the target content to a target space concerning embedding amounts, the mapping being based on the topological invariant (pages 8-9, paragraphs 164-174; pages 10-11, paragraphs 194-197).

Regarding claim 12, Muratani further discloses the target content includes one of still image data or moving picture data (pages 6-7, paragraph 136); the base space is defined by pixel positions corresponding to the target content; and the target space is included in a topological space corresponding to a set of assignments of values to pixels composing the target content (pages 8-9, paragraphs 164-174).

Regarding claim 13, Muratani further discloses the function detection unit detects function values which express the embedded function (pages 10-11, paragraphs 194-196).

Regarding claim 14, the combination of Muratani and Alattar further discloses the ordering-function generation unit generates composite function values by applying the ordering function to the function values, the composite function values expressing the composite function (Alattar, page 18, paragraph 217).

Regarding claim 15, Muratani further discloses each of the function values and the composite function values indicate embedding amounts corresponding to positions in the target content (pages 9-11, paragraphs 182-185 and 194-197).

Regarding claim16, Alattar further discloses the order-function generation unit orders the function values using a block cipher based on the key information to generate the composite function values (page 4, paragraph 59; pages 9-10, paragraphs 119-122; page 18, paragraph 217).

Regarding claim 17, Muratani further discloses the composite function includes a mapping from a base space concerning positions in the target content to a target space concerning embedding amounts, the mapping being based on the topological invariant, the composite function including a parameter which is related to the topological invariant and determines the mapping (pages 8-9, paragraphs 164-174; pages 10-11, paragraphs 194-197); and

the topological invariant computation unit computes the topological invariant by acquiring the parameter based on the composite function values (pages 10-11, paragraphs 194-197).

Regarding claim 18, Muratani further discloses the topological invariant computation unit computes the topological invariant which includes a homotopy invariant (pages 9-11, paragraphs 182-185 and 194-197).

Regarding claims 19 and 21, Muratani further discloses a digital watermark embedding method (Fig. 5; page 6, paragraph 127) and a program stored in a computer-readable medium for enabling a computer to function as a digital watermark embedding apparatus (page 4, paragraph 81). Regarding the remainder of claims 19 and 21, arguments analogous to those presented above for claim 1 are applicable to claims 19 and 21.

Regarding claims 20 and 22, Muratani further discloses a digital watermark detection method (Fig. 6; page 6, paragraph 132) and a program stored in a computer readable medium for enabling a computer to function as a digital watermark detection apparatus (page 4, paragraph

81). Regarding the remainder of claims 20 and 22, arguments analogous to those presented above for claim 10 are applicable to claims 20 and 22.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bella Matthew can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM
9/27/07

ANDREW W. JOHNS
PRIMARY EXAMINER